

WYRE FOREST DISTRICT COUNCIL

PLANNING (DEVELOPMENT CONTROL) COMMITTEE

10TH FEBRUARY 2009

PART A

Application Reference: 08/0977/OUTL **Date Received:** 05/11/2008
Ord Sheet: 381452 276233 **Expiry Date:** 04/02/2009
Case Officer: Emma Anning **Ward:** Habberley and Blakebook

Proposal: Demolition of bungalow and erection of 13no dwellings,retention of 108 Bewdley Hill (Layout & Access to be considered)

Site Address: 108/109 BEWDLEY HILL, KIDDERMINSTER, DY116JE

Applicant: Messrs Lovett-Flint & Powell

Summary of Policy	H.2 H.5 D.1 D.3 D.4 D.9 D.13 NC.4 NC.5 NC.7 TR9 (AWFDLP) QE.4 (WMRSS) PPS1, PPS3,PPS 9
Reason for Referral to Committee	'Major' planning application Third party has registered to speak at Committee
Recommendation	DELEGATED APPROVAL subject to Section 106 Agreement

1.0 Site Location and Description

- 1.1 The application site is the site of the existing 108 and 109 Bewdley Hill, it is located between Western Way and Summerhill Avenue.
- 1.2 The site is identified, in the Adopted Local Plan, as being suitable for residential development. A Tree Preservation order protects several trees at the front of this application site, along the frontage with Bewdley Hill.
- 1.3 Outline consent is sought for the redevelopment of the site to provide 13 new dwellings, whilst retaining the existing 1930s property of 108 Bewdley Hill. The property at 109 Bewdley Hill is to be demolished. At this outline stage, consent is sought for the proposed access and layout.

2.0 Planning History

- 2.1 None relevant

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3.0 Consultations and Representations

- 3.1 Highway Authority – No objection subject to conditions. Note to planning officer as follows;

The applicant should be asked to indicate if it there intention to dedicate the proposed access road. The applicants attention should be brought to the following if it is their intention to enter into a section 38 agreement.

The road width varies from 5m to 4.5m, this should be consistent width and should depend on the design concept of the development. The applicant has indicated a 4.5m road with footways in tarmac construction, however the County Councils current design guide indicated that a 4.5m road should be of shared surface design with a ramped access and constructed in block paving and 2m grass service strips, or a 4.8m carriageway in traditional tarmac construction with 2m footways on each side. Currently the proposal falls outside the considered acceptable layout for adoption purposes and the applicant should clarify if they intend to enter into a Section 38 agreement.

The area of carriageway opposite plot 3 is indicated as no dig construction. In order to make the road up to adoptable standards the construction depth should be 455mm and constructed as per the specification of the design manual for roads and bridges, therefore it is unlikely that the applicant can achieve no dig construction without significantly raising levels or excavating adjacent to the tree roots.

The means of surface water drainage must be indicated. It is an offence to discharge surface water onto a Highway so drainage must be provided. The applicant should as part of any approval be required to agree details of surface water disposal prior to the commencement of construction, condition HC 41 and Notes HN8 and HN9 attempt to cater for this need.

- 3.2 Access Officer – Determine as appropriate and condition Lifetime Homes provision.
- 3.3 Arboricultural Officer – I have no objection to the proposed layout as long as the no-dig method of construction for the road and driveway is adhered to in the full application. In addition the full application will need to include a full method statement on how the road and driveway is to be constructed and how the TPOed trees are to be protected during the construction faze. Other than that I have no objections to the proposed development.
- 3.4 Countryside Officer – Ecological report is required as there is potential for badgers on site and the bungalow to be demolished may house bats.

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- 3.5 Worcestershire Wildlife - We have recently received details of this application and note that it covers an area of old gardens and includes the demolition of some existing buildings. We understand that bats and potentially other protected species are seen in the area and we would strongly recommend that the application be accompanied by a full ecological survey in line with guidance in PPS9 and your duties under the NERC Act 2006. Information regarding biodiversity is capable of being a material consideration in your deliberations and must therefore be available to you prior to determination.
- 3.6 Crime Risk Manager - No particular concerns with this development.
- 3.7 Neighbour/Site Notice – 23 neighbour objection letters received. The main issues raised are summarised below:
The development would be out of character with the general character of the surrounding area.
- The proposal fails to meet the requirements of H.2 as it does not represent infill development.
 - The proposal comprises backland development.
 - The proposal provides insufficient separation distance between existing and proposed residential properties, in particular the orientation of plots 5-9 will result in the overlooking of existing gardens and principal windows along Summerhill Avenue, therefore being detrimental to amenity.
 - The proposal represents overdevelopment of the site.
 - We would query whether the proposed footprint of the buildings is sufficient to accommodate a four bedroom house on only two storeys.
 - A transport statement should have been requested by the Local Planning authority to accompany this application. The proposal will be contrary to Policies TR.8 and TR.9.
 - The proximity of the proposed junctions to the existing junctions of western Way and Summerhill Avenue will pose a serious danger to highway safety.
 - HGV vehicles entering and leaving the site during the construction period will cause traffic chaos on Bewdley Hill.
 - The proposal is contrary to Policy H.6 of the Adopted Plan and should be refused on highway grounds.
 - The increase of properties from two to thirteen will result in increased traffic movements on the local road network.
 - The development will result in the loss of a significant number of mature trees which make a valuable contribution to the amenity and character of the adjacent residential area.
 - A tree survey should have been submitted with the application in accordance with Policy D.4 of the Local Plan.
 - The Design and Access Statement contains insufficient detail as is legally required, therefore the planning application is invalid and cannot be determined.

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4.0 Officer Comments

- 4.1 Outline consent is sought for the erection of 13 new dwellings and the retention of 108 Bewdley Hill resulting in a residential scheme totalling 14 no. dwellings.
- 4.2 The application is submitted in outline form and seeks consent for layout and access only at this stage. The Local Planning Authority therefore considers that the main issues for discussion are:
- The principle of development
 - Highways and access
 - Layout
 - Other
 - S106 Obligations
- 4.3 All other matters including detailed design and house types are to be considered at any reserved matter stage of this application.

PRINCIPLE OF DEVELOPMENT

- 4.4 The application site is allocated as being suitable for residential development in the Adopted Local Plan subject to the site comprising previously developed land. Annex 3 of Planning Policy Statement 3 offers a definition of previously developed land as being land within the curtilage of developed land. The application site is comprised of two residential dwellings and their associated gardens, therefore I am satisfied that the site comprises previously developed land as defined above. This being the case, the proposal therefore satisfies the requirements of Policy H.2 of the Adopted Local Plan.
- 4.5 Policy H.5 refers to housing density and requires that on a site in this location the Local Planning Authority should seeks residential development of at least 40 dwellings per hectare. The application site measures approximately 0.4 hectares, which would lead to a requirement of 16 dwellings on this site in order to fully satisfy Policy H.5. The proposed density actually equates to just 28 dwellings per hectare. However, given that Policy H.5 also makes clear the need for development to take into account local character, the relationship to existing adjoining development must be considered accordingly. The Western Way development, to the west, is a much higher density of 50 dwellings per hectare with relatively small plots, whilst Summerhill Avenue to the east is characterised by a lower density development of 13 dwelling per hectare. In light of this, I consider the proposed density to be an acceptable balance between the two existing adjoining residential development.

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HIGHWAYS AND ACCESS

- 4.6 It is proposed to install an estate road to serve the development, to an adoptable standard offering direct access on to Bewdley Hill. The amended proposed site plan shows a visibility splay of 2.4 by 90m (in both directions). The County Council's Highway Officer has been consulted and has confirmed that the revised visibility splays are acceptable and that there is highway related concern. I am therefore satisfied that the proposal accords with the requirements of Policy TR.9 of the Adopted Local Plan.
- 4.7 The Highways Officer has made comment regarding the 'adoptability' of the access road, as detailed above and the Agent has provided a response as follows; *"As this is an outline application for subsequent sale to a developer I cannot say if the roadway will be subsequently adopted. As the submitted scheme falls outside of County Council standards for adoption, then at this stage it will be a private unadopted road. Fortunately, the road as shown could at approval of reserved matters/fresh application could easily be adapted as a shared surface adopted road without raising any problems. I fully realise we cannot allow road water to flow onto the adopted highway. There is sufficient room at the front of the site for soakaway serving road gulleys both sides of the new road where it abuts the highway. The road falling away from the raised section to the rear would incorporate road gullies to soakaways as required. These engineering details would have to be resolved at reserved matters stage, however the scheme allows for this."*
I am satisfied that the Agent's response addresses the concerns of the Highways Officer. With regards to the latter point, this can be dealt with adequately by condition as detailed in the Highways Officer's comments.
- 4.8 Numerous neighbour letters raised concerns relating to highway matters, as summarised above. However given that the Highway Authority do not raise any objections to the scheme, I am satisfied that none of the reasons suggested by neighbours would provide sufficient reason for refusal in this instance. One objection raised concern that a transport statement was not included with this application, the reason for this is that lengthy pre-application discussions had taken place between the agent and a representative from the Highway Authority and a statement was not considered necessary given the size and nature of the proposed scheme.
- 4.9 A design and access statement was submitted with this application and has been considered by the District Council's Access Officer. The Access Officer raises no objection to the scheme, and concludes that the application should be determined as appropriate and a lifetime homes condition should be attached to any permission. I am satisfied therefore that the proposal would accord with Policy D.9 of the Adopted Wyre Forest District Local Plan.

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LAYOUT

- 4.10 The proposed site plan shows the proposed plot layouts and access routes, including provision for amenity space and landscaping. The existing property of 108 Bewdley Hill would be retained and refurbished, although this does not make up part of this scheme for consideration (i.e. the property is located outside of the application site boundary).
- 4.11 Three new properties would be erected which would front on to Bewdley Hill, one to the west of 108 Bewdley Hill and two to the east of the site. I consider this frontage arrangement to be satisfactory as I feel that the existing pattern of development fronting Bewdley Hill will be maintained and enhanced.
- 4.12 The remaining 10 properties would be located around the perimeter of the site boundaries in a linear form, with frontages looking inward. With only layout and access due to be considered at this stage, the applicant has relied upon the use of "standard" plots to indicate the proposed layout of dwellings. I am happy that plot sizes would offer minimum garden lengths in the region of 10m deep which is considered to be acceptable in terms of the level of amenity space provision. A concern expressed by neighbours was that plots 5-9 would overlook existing gardens, however given that each of these plots would achieve a minimum garden depth of some 10m and that properties on Summerhill Avenue are characterised by generous rear gardens of well in excess of 15m in depth, the resulting distances between dwellings is considered sufficient to ensure that overlooking would not occur.
- 4.13 I consider the property most likely to be affected by the proposed layout is 7 Westville Avenue. Therefore the impact on this property has been given careful consideration. The property sits at a 28 degree angle to the proposed development site and at its closest point is just 5m from the rear boundary of plot 11. In considering whether this would lead to issues of overlooking I am satisfied that the orientation of the property would prevent this being the case. When measuring a minimum distance of 20m between first floor levels of the existing and proposed properties there would be no direct overlooking.
- 4.14 The impact of the development on light to 7 Westville Avenue has also been given careful consideration. The window most likely to be affected by the proposed layout would be any windows closest to the eastern corner of the property which sits just 5m from the boundary. The siting of property occupying plots 11 to 13 would not breach the 45degree code and when considering the 25 degree line, based on the scale parameters given in the design and access Statement, no breach would occur. For these reasons I am satisfied that the proposed layout would not given rise to a situation which would be detrimental to residential amenity in terms of daylight reaching 7 Westville Avenue.

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- 4.15 Consideration has been given to properties 1 -19 Western Way with regards to the proximity of the proposed development to their rear boundaries. It is worthy of noting that there is currently a large leylandii hedge which runs along the boundary with properties on Western Way which would prevent any overlooking at all, however it is not proposed to retain this feature and therefore it is necessary to carefully examine the potential impact on amenity with regards to overlooking in this context. Properties on Western Way have garden lengths of between 8m and 10m. Those plots which would be closest to the shared boundary are Plot 1, Plot 14 and Plot 13. Plots 1 and 13 appear to have side elevations only facing dwellings on Western Way and therefore I am satisfied that a suitable condition restricting windows to being top-opening and obscure glazed would mitigate against any concerns regarding overlooking. The rear elevation of Plot 14 faces 11 and 13 Western Way, however Plot 14 has a garden length of 10.5m, therefore the window to window distances at first floor level would be 20m, which is considered to be acceptable and would not result in a loss of amenity to existing occupiers or to future habitants of Plot 14.
- 4.16 Concern has been raised that the proposed site plan does not accurately represent the property 6 Westville Avenue by virtue that the property benefits from an extension to the south west which is not shown. Having searched the planning history for this property I cannot find any permissions for an extension in this locality, however aerial photography does show a conservatory extension to the rear which would be in excess of 10m from the boundary with Plot 9. I am therefore satisfied that the proposed development would not cause a loss of amenity to occupiers of this property.
- 4.17 The layout proposed has the potential to affect protected trees on this site. A recent Tree Preservation Order has protected many of the older established trees and as such careful consideration must be given to how these trees might be affected by the development. The District Council's Arboricultural Officer has been consulted on the current scheme and has offered the comment as detailed above. In light of his comments, and subject to the imposition of appropriate conditions, I am content that the protection of the trees in question will be ensured during construction and in the future.
- 4.18 Given that this application is outline and matters of layout and access are for consideration only at this stage, I am satisfied that for the reasons outlined above the proposal accords with the relevant Adopted Local Plan policies. Information provided by the applicant suggests that properties on this site would be between 7.5 and 7.9m high with roof of 30 degree pitch with eaves heights of 5m. Based on these indicative parameters I have no reason to consider, at this point, that the reserved matters could not be met.

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OTHER

4.19 Concern has been raised by the District Council's Countryside Officer and Worcestershire Wildlife that the site may be used by local badger populations, and that the bungalow to be demolished may be a bat roost/nesting site, an ecological survey has been requested. The Agent has conducted a walk-over survey and has concluded that there are no visible signs of badger activity on this site. Similarly, the likelihood of bats being present in the bungalow is small due to the fact that it is lived in at present by owners who have a dog. No further comments from the Countryside Officer or Worcestershire Wildlife have been received. Without more detailed surveys it is not possible to conclusively state that no biological loss would occur as a result of the development, however I consider that a condition requiring a full ecological survey to be carried out prior to development which would also stipulate that the survey should include mitigation measures should any protected species be found on site would ensure that no biological losses would occur as a result of this development. The condition would state that the survey and mitigation measures should be approved by the Local Planning Authority and that all mitigation should be carried out in strict accordance with the mitigation strategy. I am satisfied that this approach would satisfy the requirements of Planning Policy Statement: 9 and Policies NC.4, NC.5 and NC.7 of the Wyre Forest District Adopted Local Plan and that the requirements of the S106 obligation with regards to biodiversity could be met in this way.

S106 OBLIGATIONS

4.19 This application is subject to the following planning obligations as set out by the Adopted Planning obligations Supplementary Planning Document:

S106 Requirement	Amount	Where directed	Required by the SPD
Education contribution	£2,389 per 2 or 3 bed dwelling £3584 per 4+ bed dwelling	WCC	Yes
Open Space contribution	Calculated at No. of child bed spaces x 24 sq.m. x £17.15		Yes
Biodiversity	As detailed in Ecological Survey to be dealt with by condition.	As detailed in mitigation strategy as part of ecological survey.	Yes
Public Realm	Improvements to public realm by virtue of the development itself.		Yes

4.20 The Education and Open Space contributions will need to be secured through a Section 106 Agreement; however the Biodiversity contribution can be dealt with adequately by condition.

Application Reference: 08/1042/FULL **Date Received:** 26/11/2008
 08/1043/LIST
Ord Sheet: 380912.120819575 **Expiry Date:** 21/01/2009
 271037.50817035
Case Officer: James Houghton **Ward:** Mitton

Proposal: Replace existing block wall adjacent to river bank with part brick, part iron railings with entrance gates, stationing of a portable toilet block & paving of the surrounding area.

and

Listed Building Consent: Replace existing block wall adjacent to river bank with part brick, part iron railings with entrance gates, stationing of a portable toilet block & paving of the surrounding area.

Site Address: RIVERSIDE AMUSEMENT PARK, BRIDGE STREET,
 STOURPORT-ON-SEVERN, DY138UY

Applicant: Mr Henry Danter

Summary of Policy	D.1, D.3, NR.5, LB.1, LB.5, CA.1, CA.4, STC.4 (AWFDLP) CTC.19, CTC.20, RST.3 (WCSP) QE.3, QE.5 (RPG11) Character Appraisal for Conservation Area No.1 Stourport-on-Severn (2001). Planning Policy Guidance 15: Planning and the Historic Environment. Planning Policy Statement 25: Development and Flood Risk.
Reason for Referral to Committee	Third party has registered to speak at Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 The application site accommodates the existing amusement centre east of Bridge Street on the northern side of the river and adjacent to the Grade II listed canal basins. The applicant seeks approval for the replacement of an existing wall with railings and gates and the siting of a portable toilet block. The application site is within Flood Zone 3 as defined by the Environment Agency.

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2.0 Planning History

- 2.1 WF/0841/00 - Full: Erection of an extension to provide children's play area with store/wc's etc.; extension to provide cafe/preparation area, new canopy, toilet block and waste skip area, reposition rides and new paving.
Approved -12/12/00.
- 2.2 WF/1080/00 - Landscaping & environmental improvements works.
Approved -16/01/01.
- 2.3 WF/1081/00 - Listed Building Consent: Landscaping and Environmental Improvements.
Approved - 16/01/01.
- 2.4 WF/0922/04 - Full: Elevational alterations to Amusement Centre (as approved under WF.841/00).
Approved -18/11/04.
- 2.5 05/0979/FULL - Boat mooring pontoon with access walkway for visitors.
Withdrawn.
- 2.6 06/1137/FULL - Erection of extensions to amusement centre to provide café/preparation area; play area with store & w.c's; new skip storage area; w.c block & workshop; re-grading of part of site to provide flood compensation measures (repositioning of rides).
Withdrawn.
- 2.7 07/0100/FULL - Erection of extensions to amusement centre to provide café/preparation area & play area, workshop, W C's, regrading of part of site to provide flood compensation measures (resubmission of 06/1137Full).
Withdrawn.
- 2.8 08/0200/FULL - Demolition of existing walls and erection of fencing and gates, siting of portable toilet, creation of mooring on River Severn and use of basin for operating mini-boats.
Withdrawn.
- 2.9 08/0201/LIST - Demolition of existing walls and erection of fencing and gates and siting of portable toilet.
Withdrawn.

3.0 Consultations and Representations

- 3.1 Stourport-on-Severn Town Council – No objection and recommends approval subject to the approval of the Conservation Officer.

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- 3.2 Environment Agency – No objection to the proposed fence and wall subject to the toilet block being elevated and having a temporary access to be removed in the event of flooding and a condition being attached prohibiting the storage of materials within the flood plain and any increase in ground levels where paving is laid.
- 3.3 British Waterways – The Riverside frontage connects the Stourport Basins with Engine Basin to the west of the site. The basins complex at Stourport is a unique historic environment encompassing the roots of the greatest of all canal-inspired towns. Only a few other new towns were created by the canals, and nowhere enjoyed the same success or resulted in the speed of development as at Stourport. Moreover, the basins today display over 230 years of evolution and use. A substantial amount of the building associated with the use of the basins has survived, giving an unparalleled insight into the working of a canal port throughout the late eighteenth, and the whole of the nineteenth and twentieth centuries.

In light of this, any work along the river frontage should conserve and enhance the significant built heritage of Stourport Basins. The proposed development has taken inspiration from the historic walls and railings which exist in the basins and will be executed in orange clamp bricks and lime mortar which will compliment the adjacent materials of the Severn Towing path bridge. The proposed railings are simple and robust and are sympathetic with other railings which feature around the site. The proposed pier caps appear to take inspiration from sandstone copings and caps along the Staffordshire and Worcestershire Canal. Therefore the proposed works to the Riverside will significantly improve the site which is currently a grey block work wall.

As the wall will tie in with an historic section of curved wall to the north east of the proposed development it is suggested that the new work is discreetly date-marked to differentiate new work from old. It is also imperative that suitably skilled contractors are employed to build the new wall and to tie it in with the historic section of wall. British Waterways can provide information about lime mortar specialists, stone masons and conservation bricklayers.

After due consideration of the application details, British Waterways now has no objections to the proposed development but would wish the comments above and in the previous response to be taken into account in the formulation of planning conditions, it is also requested that an informative is attached to any decision notice issued.

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- 3.4 Conservation Officer – The existing wall to the river-side has always been seen as an element of the Conservation Area which detracts from its character and the site in general is recognised as being a neutral one, in the Conservation Area Appraisal (ie one which does not conform to its immediate surroundings, and where proposals for its further development should be designed to sensitively introduce discreet and subtle elements of the surrounding and predominant characteristic features). The applicants have submitted both the Conservation Area Consent and the Planning Application for the replacement wall at the same time, enabling a complete picture of the development to take place.

The existing wall is a poor quality hotch-potch of concrete block walling and poor quality brickwork, but does serve as a definitive boundary between the tranquil area of the river, and the more active area of the amusement park,

It is appreciated, through pre-application discussions, that the applicants wish to improve the setting of both these two elements, and to try to bring some form of unity to them, rather than creating a solid boundary to cut one off from the other. Whilst this can be seen as a negative action, it has to be appreciated that the amusement park is a historic use of the site, and there are more fundamental issues in terms of possible re-use, including flooding. Therefore, it is welcomed that a positive element of design can be incorporated into the scheme, to enhance the setting of both the two contrary elements.

The design, materials and construction of the wall and railings will be essential to the success of the scheme, even whilst the general design is acceptable. For this reason, if both applications are approved, I would suggest that the following conditions are placed on the appropriate approvals:

On the CAC, that no development shall take place until all pre-start conditions on the planning application have been discharged; *and* that no development shall take place until the Local Authority has been presented with clear and exact evidence that the proposals are to be carried out, in the form of a copy of a contract for the works for the construction of the wall.

On the Planning Permission:

That all facing materials are approved prior to the commencement of works on site, to include, but not exclusively, bricks, mortar (colour, mix, strike, gauge), railings, fixings, and copings.

That a 1m² sample panel of brickwork is erected and approved by the Local Authority, prior to the commencement of works on site, and that the wall will be constructed to this specification hereafter;

That 1:10 details of the gates shall be submitted and approved in writing prior to the commencement of works on site;

That no permission is granted within this approval for any signage.

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- 3.5 County (footpaths) – No objections subject to the applicant being made aware of their obligations to ensure the right of way is unaltered and unrestricted as a result of the development and during construction.
- 3.6 Forward Planning – No representations received.
- 3.7 Inland Waterways Association – The Inland Waterways Association object to the proposed development on the basis that the existing wall forms an effective visual and noise barrier between the amusement park and the river bank. The replacement of the existing wall with a combination of brick wall and railings would allow the amusement park to be more visible from the river bank and would have less effect on the “excessive noise created by the amusement park”. Concerns are also raised over the materials and design of the walls proposed and over the possible loss of trees and shrubs. The visual impact of the toilet block is also raised as a concern.
- 3.8 Ramblers Association – No objections to proposed development.
- 3.9 Regeneration and Economic Prosperity – No representations received.
- 3.10 Wildlife Trust – No representations received.
- 3.11 Neighbour/Site Notice – One letter of objection has been received stating: “This site is part of or in close proximity to the conservation area, efforts should be made to extend the aesthetic appearance rather than continue with the ongoing creation of greater eyesore. There are no reasons to have these (sic) facilities on a site such as this. For the reasons I have detailed above efforts should be made to reduce its footprint rather than increase. The facility does not add anything of value to the local residents of Stourport, it’s only contribution is to divert local revenue to ensure that the visitors litter is cleared quickly.”

4.0 Officer Comments

- 4.1 The applicant seeks approval for the replacement of a wall running along the rear of a path beside the River Severn, the siting of a portable toilet block and the creation of an area of block paving.
- 4.2 The existing wall is of concrete block construction which offers little to the visual amenity of the area. Following exhaustive pre application consultation with both the Council’s Conservation Officer and representatives of British Waterways the proposed wall would be of brick construction finished with half round coping stones with regularly spaced brick piers topped with sandstone caps. For much of its length the wall would be 750mm high with 1.55m painted steel railings above. These details replicate and complement period walls found within the Grade II listed canal basins adjoining the site to the east and north east. The existing trees on the river side of the wall are in poor condition and a condition should ensure that they are replaced with suitable species.

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- 4.3 The proposed hard standing is considered appropriate in this location; it would replace the existing surface, primarily tarmac, and would have minimal impact on the amenity of the area. There effect of the development on drainage would be considered negligible.
- 4.4 The portable toilet block is located to the rear of the hard standing proposed, the prefabricated unit is already in position and given that it would be painted dark green and be fitted with trellis and climbing/trailing plants its visual impact would be minimised and there would be no further detriment to the visual amenity of the site.

5.0 Conclusions and Recommendations

- 5.1 It is recommended that application reference 08/1042/FULL is **APPROVED** subject to the following conditions.
1. A6 (Full with No Reserved Matters)
 2. A11 (Approved Plans)
 3. B1 (Samples/Details of Materials)
 4. B2 (Sample Brick Panel)
 5. No development shall take place until details of the proposed gates at a scale of 1:10 together with details of proposed finishes have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.
 6. C6 (Landscaping – small scheme)
 7. Notwithstanding the approved plans the new section of wall shall be marked by a date plaque or other means, which shall first be agreed in writing by the Local Planning Authority, within one month of the completion of the wall.

Notes

- A. SN5 (No Advertisements)
- B. The applicant/developer is advised to contact third party works engineer, Des Harris (01827 252 026) in order to ensure that any necessary consents are obtained and the works are compliant with the current British Waterways' "Code of Practice for Works affecting British Waterways".

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- C. No disturbance of, or change to, the surface of the path or part thereof should be carried out without similar written consent (this includes laying concrete, tarmac or similar). No diminution in the width of the right of way available for use by the public. Building materials must not be stored on the right of way. Vehicle movements and parking to be arranged so as not to unreasonably interfere with the public use of the right of way. No additional barriers to be placed across the right of way. The safety of the public using the right of way is to be ensured at all times.

Reason for Approval

The proposed boundary treatment, hard standing and toilet block are considered appropriate to the application site, the development would offer no detriment to the existing appearance of the site and, by replicating features of the canal basins, would enhance and improve the visual connectivity and cohesiveness of the site, Grade II listed structures and the Conservation Area. The proposed development would have no effect on the amenity enjoyed by the residents of properties in the immediate area, as such the proposals accord with the requirements of Policies D.1, D.3 and CA.1 of the Adopted Wyre Forest District Local Plan.

- 5.2 It is recommended that application reference 08/1043/LIST is **APPROVED** subject to the following conditions.

Conditions

1. A7 (Listed Building/Conservation Area Consent)
2. A11 (Approved Plans)
3. No development shall take place until all pre-start conditions on the planning application have been discharged; *and* that no development shall take place until the Local Authority has been presented with clear and exact evidence that the proposals are to be carried out, in the form of a copy of a contract for the works for the construction of the wall.

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Application Reference:	08/1099/FULL	Date Received:	19/12/2008
Ord Sheet:	386055 277540	Expiry Date:	13/02/2009
Case Officer:	James Houghton	Ward:	Blakedown and Chaddesley

Proposal: Demolition of existing property & double garage, erection of one detached replacement house & one twin replacement garage

Site Address: 211A & B & 212A & B, BIRMINGHAM ROAD, DUCKPEN COTTAGES, KIDDERMINSTER, DY103NP

Applicant: Arthur Morgan & Son Ltd

Summary of Policy	D.1, D.3, D.4, D.5, GB.1, GB.2, GB.6, TR.9, TR.17 (AWFDLP) D.39, SD.2 (WCSP) QE.1, QE.3 (RSS) PPG.2
Reason for Referral to Committee	Parish Council request to speak on application
Recommendation	APPROVAL

1.0 Site Location and Description

- 1.1 The application property consists of a pair of semi detached Victorian cottages currently most recently utilised as four flats although currently vacant. The existing cottages are set approximately 3m back from Birmingham Road and sited perpendicular to the highway.
- 1.2 The property has previously been extended to the front with two single storey, monopitch roof veranda, bathroom and porch extensions. Two small porches have also been added to the rear of the property.
- 1.3 The site lies within the green belt and is sited adjacent to a relatively large paddock area which is also in the ownership of the applicant.

2.0 Planning History

- 2.1 08/0784/FULL - Demolition of existing property and double garage. Erection of 1 no. detached replacement house and 1 no. twin replacement garage. Application was withdrawn.
- 2.2 08/0974/FULL - Change of use from 4 flats to one house, erection of extensions and a replacement double garage. Application approved 18/12/08.

08/1099/FULL

3.0 Consultations and Representations

- 3.1 Churchill and Blakedown Parish Council – The Parish Council object due to the demolition of a landmark building which forms part of the character and history of the Parish and considered to be of a distinctive local design. It is pointed out that no evidence has been provided that the existing building is structurally unsound. The Parish Council feel the buildings should be listed due to their intrinsic local design.
- 3.2 Highway Authority – No objection to proposed development.
- 3.3 Severn Trent Water – No objections to proposed development.
- 3.4 Access Officer – No comments received.
- 3.5 Arboricultural Officer – No overall objections however, the mature Common Ash on the western boundary has sufficient amenity value to be retained. For this to occur a root protection area of 7.9m is required to prevent root damage. The current distance of the proposed dwelling is around 7m, which is not a sufficient distance to prevent root damage. It is recommended that protective fencing in accordance with BS5837:2005 should be erected in a circle at 7.9m from the trunk of the tree and as a result the dwelling will need to be moved away by at least 1.5m from the edge of the protective fencing.

The planting schedule is reasonable, however it is not considered that Whitebeam (T5, T6 and T7) is a good choice, Field Maple would be more appropriate within the local landscape.

It is proposed that a Leylandii hedge is retained on the northern boundary, the removal of these trees and the planting of a hawthorn hedge, would offer more substantial wildlife and landscape value.

- 3.6 Neighbour/Site Notice – No representations received.

4.0 Officer Comments

- 4.1 The applicant seeks approval for the erection of a replacement dwelling, revised plans add a 2m high sound attenuation wall along the boundary with the Birmingham Road. The existing property is a pair of semi detached Victorian cottages which have been converted to form four flats. From the planning history Members will note that a recently approved application, 08/0974/FULL, allowed the extension of the building and the conversion of the four flats to form one detached dwelling.
- 4.2 The existing property is neither a locally or statutorily listed building, nor is it located within a Conservation Area. With respect to the comments made by the Parish Council it is considered that there are not sufficient planning grounds to retain the existing building and refuse the proposed replacement.

08/1099/FULL

- 4.3 Policy GB.1 of the Adopted Wyre Forest District Local Plan echoes the national guidance of PPG2 in so far that the replacement of a dwelling is appropriate providing that the new dwelling is not materially larger than the property it is replacing and is on the same site unless an immediately adjacent alternative position reduces the impact on the Green Belt. The proposed development is considered appropriate in terms of scale and design. The volume of the proposed structure would not exceed that of the original building plus the extensions approved under application 08/0974/FULL and there would be no increase in ridge height. As such the development would have no greater impact on the landscape or the character and openness of the Green Belt. The proposed development accords with the requirements of Policies GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan (2004).
- 4.4 The proposed sound attenuation wall or fence shown on the plans is considered, would offer negligible detriment to the street scene, whilst a condition requiring the submission of details of materials would allow greater control over the appearance of the completed development. The proposed development accords with the requirements of Policies D.1, D.3, D.4 and D.5 of the Adopted Wyre Forest District Local Plan (2004).
- 4.5 Issues with the proposed planting on site have been raised by the Arboricultural Officer and to this end revised plans have been submitted relocating the dwelling 8.5m away from the mature Common Ash on the western site boundary to ensure its survival. Trees T5, T6 and T7 have been replaced with Field Maple in accordance with the Arboricultural Officers comments.

5.0 Conclusions and Recommendations

- 5.1 It is recommended that the planning application is **APPROVED** subject to the following conditions.
1. A6 (Full With Reserved Matters)
 2. A11 (Approved Plans)
 3. B1 (Materials)
 4. C3 (Tree Protection During Construction)
 5. Boundary Treatment in accordance with approved plans
 6. C2 (Retention of Existing Trees)
 7. C6 (Landscaping in accordance with Approved Plans)
 8. C8 (Landscape Implementation)
 9. J1 (Removal of Permitted Development – Residential)
 10. Drainage in accordance with approved plans

Reason for approval

The proposed replacement dwelling is considered acceptable, it would have no greater impact on the visual amenity, character and openness of the Green Belt than the existing property. As such it is considered that the proposed development accords with the requirements of Policies D.1, D.3, D.4, D.5, GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan (2004). The existing property is not statutorily or locally listed, neither is it located within a Conservation Area. Therefore it is considered that there are no sufficient planning grounds to retain the building. The proposed replacement is considered to be of a good design.

08/1001/FULL

3.2 Access Officer – Detailed issues need to be resolved before determination – parking space needs to be realigned, separate access is required from the public highway to the front door, details of lighting required.

3.3 Environmental Health – Consult Health and Safety Executive.

(Officer Comment: The HSE are to visit the site in February and the premises will need to comply with the Health and Safety at Work Etc. Act 1994)

3.4. Neighbour/Site Notice – Two representations received:-

- *Ward Councillor: : ‘I have received the attached document from a Ward resident, as I gather from The Hub the both of you are out today, for differing reasons, I felt it advisable to submit this document to you for consideration, sins the closing date for the application is 4th December. Clearly this is an objection to the scheme, which has my full support, having visited the site on more than one occasion. It is certainly unsuitable for the kind of trade that is proposed, and should it prove to be as successful as I have no doubt the applicant hopes, the provision of 3 parking spaces will be wholly inadequate. I also wonder how much signage will be required on the A456 to point out a shop that will to all intent and purposes be hidden from the public view. Maybe Tesco's could get away with such an operation, but find it highly unlikely in this instance. I would have to reiterate the comments made in the document, that the previous occupier was specialist in nature and would have received referral business from bowling clubs and even they couldn't make it profitable. It is an area highly unsuitable for young children and if the business proves to be a success the additional traffic is likely to add to the dangers already present on the site*
- *It should perhaps be remembered first of all that Greenhill Industrial Est. is exactly that an Industrial Estate. It is not and as far as we are aware has never been a Trading Estate. The sign at the entrance way on the side wall of the Adam office building as you approach the barrier quite clearly states “No Thoroughfare” “Factory Area” “Enter at your own risk”.*

By trying to add a trading outlet in the form of a Carpet Shop in the middle (literally) of a busy Industrial Estate is suicide and an accident waiting to happen for the following reasons.

The entrance to the estate is via a barrier entrance the barrier being raised throughout the working day however just after the barrier Adam Carpets regularly park 7.5 tonne trailers on stilts opposite their site offices thus blocking the entrance/exit by 50%. Apart from being a potential hazard/delaying process for the emergency service vehicles along with the silly speed bumps the rickety structure of the stilts, which support these trailers, is also quite worrying. The thought of a customer driving into one on their way in/out with a carload of children doesn't bear thinking about.

08/1001/FULL

Note: Photographic Evidence available

A little bit further up the road a tanker regularly parks for some considerable time unloading or down loading its cargo. The area in which it is parked is not very salubrious nor is it clear what the contents of its cargo (in or out) although we now believe it to be latex. This area is probably no more than 50/75 yards from the proposed entrance to the Carpet Shop. Whilst I am sure all the parents visiting the shop will ensure little Johnny and/or Jennifer do not wander off if they did what would the consequences be?

Note: Photographic Evidence available

After this part of the road the area opens up into a long oblong where the proposed entrance/site of the retail outlet will be situated. However there are numerous entrances/exits from the factory/storage areas from which throughout the working day forklift trucks, motorised trolleys etc regularly traffic from one building/area to the other. Some of the forklift trucks have lances on them to lift the carpets off/on trucks etc and they must be 5 metres long. Whilst currently the present occupants of the estate are aware of them and certainly our visitors are advised to proceed with caution unsuspecting members of the public will not be aware of this traffic approaching them from both their left and right and in some cases virtually blind from behind plastic flap type doors straight onto the road.

Note: Photographic Evidence available

At the end of the road again less than 50/75 yards from the proposed retail outlet there is an area of land which appears to be used as a car park and a storage area for one of the tenants (Denvic) to store large metal girders. Members of staff from Denvic work at irregular intervals in the area throughout the working day using cutting gear/forklift trucks etc. The cutting gear is provided from a vehicle that is not insured or taxed and has a 6ft gas bottle strapped to the rear of the drivers cabin and is moved from their premises to this area most working days. They regularly transport some of the girders past the proposed retail outlet perilous balanced on a forklift truck. They are perhaps lucky that the resources of the HSE are extremely thin, as a visit during one of these manoeuvres, would surely cost both the landlord (Adam) who is well aware of what is happening, and themselves dearly. For this to continue to happen when the retail outlet is open is unthinkable.

Whilst we are aware that the premises were until recently used as a retail outlet it should be remembered that a retailer selling Bowling equipment etc occupied it. Needless to say this was a very niche market and there was very little traffic so much so the business eventually closed down. One would expect that the anticipated traffic volumes for a Carpet Shop would be somewhat different and much heavier.

Note: Photographic Evidence available

08/1001/FULL

Last but no means least is the possibility of customers to the retail outlet turning left or right after leaving the premises and heading around the units instead of straight down the main road. This would lead them into an even busier area. Denvic work as already indicated with some heavy and large metals. Quite often this work is carried on in the middle/side of the road and once again involves the use of gas cutting gear and precariously balanced forklift truck operations. The staff regular bring their pet dogs to work including an Alsatian, Bulldog and a Rottweiler type breed. The dogs are not supervised and regularly visit other premises on site fouling as they go. The safety of young children momentarily away from parental control with powerful dogs nearby doesn't bear thinking about.

After Denvic the next unit is occupied by Panel 'N' Paint a vehicle repair centre. Needless to say there is a constant stream of vehicles in and out of their workshop and whilst it is the furthest point from the retail outlet customers slightly lost on leaving the retail outlet would have to by pass this busy workshop. In addition after the entrance to Panel 'N' Paint the road is unpaved, potholed and a potential driving hazard for basic family vehicles if you do not know the area.

Further round the units there is one other company called POS (formally JT Patterns) they have a large skip parked in the main road that during daylight is obvious however during dark winter afternoons that may not be the case. They also have a tendency to have a family pet dog on site. Whilst this animal is relatively small it does not appear to have had any training and could, as it is totally unsupervised cause an accident if it suddenly darted out from the front of the premises.

Note: Photographic Evidence available

Having accessed the plans/application via the WFDC web site what also becomes apparent is that whilst the application states "highway safety improvements" apart from new signage and maybe additional speed bumps the area will remain as it is today. As far as we could see there does not appear in any of the plans designated parking for customers to the retail outlet?

The above is just a small resume of why we think the proposed planning application should be rejected. We repeat our opening comment, Greenhill Industrial Estate is exactly that and the sign at the entrance to the estate that states it is not a Trading Estate nor could it ever be so with its current landlord or tenants businesses.'

08/1001/FULL

4.0 Officer Comments

- 4.1 There is a long history of this Council approving carpet factory outlets. Indeed, until recently these applications were permissible under the terms of Policy RT.11 of the Adopted Wyre Forest District Local Plan. In view of the fact that this policy has not been 'saved' the Forward Planning Section were consulted to establish the criteria against which this type of application should now be judged. The response is as follows:

'In determining this application it is considered that Para 3.30 of PPS6: Planning for Town Centres is most pertinent. Para 3.30 of PPS6 states:

"Shops may be proposed as an ancillary element to other forms of development (for example, petrol filling stations, motorway service areas, airport terminals, industrial/employment areas, railway stations, sports stadia or other leisure, tourist and recreational facilities). Local planning authorities should ensure that in such cases the retail element is limited in scale and genuinely ancillary to the main development, and should seek to control through the use of conditions. Whether a shop is ancillary will be a matter of judgement for the decision maker and will depend on factors such as the scale of development involved, the range of goods sold, and the proportion of turnover from goods sold which are not directly related to the main use. Where the retail element is not considered to be ancillary, it should be subject to the policies set out in this statement, particularly where the development would adversely affect the viability and vitality of a local centre, whether in an urban or rural area."

- 4.2 It is considered that this proposal is of an ancillary nature to the main use of the Adam Carpet complex as the proposed development is for a small unit of only 124 sq.m (gross) of floor space and will only sell goods related to the carpet manufacturing business, which is already in existence. Furthermore, it is considered that this change of use will not harm any existing local centres due to the items that are proposed to be sold and the small scale of the unit. Should the application be approved, appropriate conditions ensuring that the retail element remains ancillary to the current use, should be used.
- 4.3 In view of the above mentioned paragraph from PPS6 and whilst it is less emphatic than Policy RT11, it nevertheless carries considerable weight and particularly as it is more recent than the date of adopted of the Local Plan. In addition, Policy RT8 of the Local Plan allows small scale retail development of less than 250 sq metres provided that it does not undermine the retail strategy of the plan. This proposal is small scale and clearly the proposal does not undermine the plan as it is, in effect, a replacement location to the Adam Carpets retail outlet on the Churchfields Business Park which itself is not within an area allocated for retail development.

08/1001/FULL

- 4.4 In terms of policy it is felt that the proposal is of an ancillary nature and, with appropriate conditions limiting the items to be sold with no severance from Adam Carpets, the application would be in conformity with Government advice and the Local Plan.
- 4.5 Concern has been expressed with regard to health and safety concerns regarding the use of this site by Members of the public. The first point to mention is that the Highway Authority is raising no objections to the development. Secondly, the neighbouring objector's business involves access by members of the public to a slightly 'deeper' part of the estate.
- 4.6 The plans show the following improvements to the estate from a health and safety point of view:
- a) The provision of 3No. traffic calming humps
 - b) The provision of a 10 mph sign
 - c) The provision of a danger fork lift truck sign
 - d) The provision of a convex mirror
 - e) The provision of a give way dotted white line
 - f) The provision of a bollard (to prevent a corner being cut)
 - g) Directional signs within the estate
- All of the above measures can be conditional on any planning permission to improve the safety of the estate.
- 4.7 An existing carpet shop on the Churchfields Business Park, which can readily be viewed from Duke House, generates very little traffic. It is felt that a refusal on health and safety grounds would be extremely difficult to justify in these circumstances.
- 4.8 The Council's Access Officer is now satisfied with the development subject to the introduction of a painted pedestrian access from the proposed unit to the existing footpath on the Birmingham Road, which the applicant has agreed to do and which could be made a condition of consent.
- 4.9 In terms of design the alterations to the unit involve the removal of a window and replacement with a roller shutter door and the provision of an external canopy. These external changes are acceptable in this location which is surrounded by utilitarian buildings.

08/1001/FULL

5.0 Conclusions and Recommendations

5.1 The application is judged to be comply with policy and sufficient safety measures can be put in place to satisfy a venue of this scale.

5.2 I therefore recommend **APPROVAL** subject to the following conditions:

1. A6 (Full with No Reserved Matters)
2. A11 (Approved Plans)
3. This permission shall inure for the benefit of Adams Carpets only and shall not inure for the benefit of the land or any other persons with an interest in the land.
4. This permission relates solely to the retail sale of carpets and items ancillary to the sale of carpets only and to no other product whatsoever.
5. No external storage of carpets or any other materials.
6. Full details of all the safety enhancing measures shall be submitted and approved prior to commencement.

Reason for Approval

The application is acceptable in terms of land use policy in that this is a small scale factory retail outlet associated with an existing industrial use adjacent. In these circumstances the proposal is judged to comply with Policy RT8 of the Adopted Wyre Forest District Local Plan and also advice contained in the Government's more recent advice as contained in PPS6. The issues of Health and Safety have been considered and in view of the site circumstances and the low levels of traffic that are likely to be generated, it is considered that there are insufficient grounds to justify refusing the application.

Application Reference:	08/1041/FULL	Date Received:	25/11/2008
Ord Sheet:	389080.7332148 274386.833545	Expiry Date:	20/01/2009
Case Officer:	James Houghton	Ward:	Blakedown and Chaddesley

Proposal: Erection of a garden shed

Site Address: SWALLOWS BARN, THE HOLLOWAY, CHADDESLEY CORBETT, KIDDERMINSTER, DY104QD

Applicant: Mr J Thomas & M/s S Green

Summary of Policy	RB.1, RB.5, GB.1, GB.2, GB.6, D.1, D.3, D.5 (AWFDLP) D.39, D.16 (WCSP) QE.1, QE.3 (West Midlands Regional Spatial Strategy) Design Quality – Supplementary Planning Guidance Planning Policy Guidance 2 – Green Belts
Reason for Referral to Committee	Development Control Manager considers that the application should be considered by Committee
Recommendation	APPROVAL

1.0 Site Location and Description

1.1 Swallows Barn is one of 3 properties at New House Farm which is situated in The Holloway, a lane which links Chaddesley Corbett direct to Woodrow. The farmhouse is a Listed Building and the site is within the Green Belt. Planning permission was granted to convert the barns in 2005. Swallows Barn is detached from the other barns and backs onto an agricultural yard and buildings.

2.0 Planning History

- 2.1 WF.0619/05 – Conversion of barns to three dwellings : Approved 18/07/05
- 2.2 WF.0620/05 – LBC Conversion of barns to three dwellings : Approved 18/07/05

08/1041/FULL

3.0 Consultations and Representations

- 3.1 Chaddesley Corbett Parish Council – No objection and recommend approval subject to the comments of the Conservation Officer.
- 3.2 Conservation Officer – No objections to the proposals and recommend approval. As the application is retrospective, it is considered that there are no appropriate conditions to be placed on any approval, if so granted.
- 3.3 Neighbour/Site Notice – No representations received

4.0 Officer Comments

- 4.1 The applicant seeks retrospective permission for the erection of a garden shed. The building would be utilised as storage for garden furniture, a lawn mower etc. Permitted development rights were removed through permission WF.0619/05 in order to preserve the architectural quality and integrity of the converted rural building.
- 4.2 The plans approved for the conversion of the barns show that no storage for garden equipment has been provided to the rear of the property, this is reinforced by a letter received from the applicant, a recent appeal decision (APP/R1845/A/08/2070678) for a garden shed at Tavy Barn, a neighbouring property, states:

“I consider that the need to provide weather tight and secure storage for garden tools and furniture is, on its own, a compelling argument in support of the development. To this must be added the implications of the “fall back position”, where these items could be stored in the open, and the impracticality of storing these items within the dwelling. These arguments more than outweigh the harm by dint of the inappropriateness and the very limited harm by reason of loss of openness. I have found no other harm in terms of the other issues, that is, the effect on the character and setting of Tavy Barn and the other buildings in this group of and the effect on the rural landscape.”
- 4.3 The shed is considered to be of an appropriate size and has been located close to the garden wall and a close boarded fence which minimises the visual impact of the structure, the garden in which the shed is sited is to the rear of the barn and as such is visible only from an agricultural yard, containing approximately four large corrugated steel finished barns/agricultural buildings, and its associated access track.

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- 4.4 The application property would be classified as a traditional agricultural building using the classifications set out in paragraph 7.95 of the Adopted Wyre Forest District Local Plan. Traditional agricultural buildings are characterised by their high amenity, architectural, historic or cultural value and as such Policy RB1(ii) sets out to protect the form of these structures if they are to be reused and adapted, often in conjunction with the removal of permitted development rights (Removed in this case as condition 5 of permission relating to application WF.0619/05). Policy RB5 maintains this protection by stating that applications for curtilage buildings serving dwellings created through the reuse and adaptation of rural buildings will not be # permitted, however when examining the reasoned justification behind this it is considered that in this instance the shed would offer negligible detriment to the architectural character of the converted rural building and, given the wooden construction of the shed, could be easily removed to return the barn to its original state.
- 4.5 The erection of the garden shed would be considered inappropriate development within the Green Belt. However, it is considered that being mindful of the recent appeal decision at nearby Tavy Barn, given the site specific circumstances, the need to store garden tools and furniture amounts to the very special circumstances required to outweigh the harm by reason of inappropriateness and the very limited loss of openness of the Green Belt.

5.0 Conclusions and Recommendations

- 5.1 It is recommended that the application is **APPROVED** subject to the following conditions:
1. A11 (Approved Plans)
 2. B5 (Timber Staining)

Reason for Approval

The proposed shed is considered acceptable in terms of both scale and design and is located in such a way as to minimise the impact of the structure on the landscape and the host dwelling, as such the proposal is considered to accord with Policies D.1, D.3 and D.5 of the Adopted Wyre Forest District Local Plan (2004). Whilst the development constitutes inappropriate development in the Green Belt it is considered that, given the site specific circumstances, the need to store garden tools and furniture amounts to the very special circumstances required to outweigh the harm by reason of inappropriateness and the very limited loss of openness of the Green Belt according with Policies GB.1, GB.2 and GB.6 of the Adopted Wyre Forest District Local Plan (2004).

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3.0 Consultations and Representations

- 3.1 Highway Authority – No objections subject to conditions
- 3.2 Access Officer – Views awaited
- 3.3 Arboricultural Officer – No objection subject to conditions (for more details see Officer Comments).
- 3.4 Environmental Health – No objections subject to condition controlling hours of building
- 3.5 Severn Trent Water - No objections subject to condition
- 3.6 Neighbour/Site Notice – 1 letter of objection received to date raising the following issues:
 - Vehicular access – too many cars in a small area
 - Services – sewage, water etc – recently had to pay to have sewerage pipes rodded

4.0 Officer Comments

- 4.1 The application site lies within an area that is allocated for residential purposes and consequently Policy H.2 of the Adopted Wyre Forest District Local Plan applies. This policy permits residential development in principle subject to the land being previously developed and provided that the proposal meets the requirement of the other policies in the Plan.
- 4.2 The land is in the ownership of the Brewery and clearly forms part of the curtilage of the public house. Part of the land is used as a car park and the remainder is a wide border to the car park which contains some trees. The car park is clearly previously developed land. As there is no dividing fence between the car park and the remainder of the area to be developed and as this land is relatively small compared with the rest of the public house curtilage it would be untenable to try to argue that this land does not fall within the definition of previously developed land as described in Annex B of PPS3 (Housing).
- 4.3 The main detailed issues in considering this application are:
 - 1. The impact of the development on existing trees
 - 2. The design and layout of the development
 - 3. The effect on neighbouring property
 - 4. Highway safety and car parking
 - 5. Section 106 Contributions

08/1106/FULL

THE IMPACT OF THE DEVELOPMENT ON EXISTING TREES

4.4 The Council's Arboricultural Officer has stated that:

'The proposed development will have a direct affect on most of the trees on the site, the majority of which are in a poor to reasonable condition. Although this is the case a number of the trees are subject of a TPO which was made in 1982'

Of the TPOed trees T1 to T4, T23 and T24 will need to be removed to facilitate the development and T5 will be affected by the construction of the new driveway.

He explains that four trees which form a larger group of trees that are TPO'd and flank The Oaklands will need to be removed (Trees T1 to T4). A fifth tree (T5) could be retained if care is exercised when constructing the access road. With respect to these trees he has stated:

As individuals T1 to 5 are poor specimens with around 10 years of safe useful life expectancy, however they are part of a group TPO and they do have an amenity value when looking at them as part of the group. To lose this amenity would be regrettable; however as long as they are replaced with native semi mature standards and the line of trees is enhanced I feel this would be acceptable. I have no objections to the proposed development; however this is with a number of conditions.

Two other trees within the site are protected and the Arboricultural Officer is of the view that:

T23 and T24 are very poor specimens and as long as these are replaced I have no objection to their removal.

He concludes his report by stating that:

The remainder of the trees are the site a poor quality trees with little amenity value and are therefore not worthy of retention.

The latest landscaping scheme is acceptable and should enhance the new development and surrounding area.

I have no objections to the proposed development; however this is with a number of conditions.

Therefore no works shall commence until the following condition have been adhered to:

- *Details on protective fencing for the trees that are to be retained.*
- *Details on the no-dig method to be used to retain T5.*
- *An acceptable landscaping scheme, showing the size, location and species for replacement trees on the site.*
- *T1 to T4 should be replaced by semi mature native standards and should be planted in a way that will enhance the TPOed group.'*

THE DESIGN AND LAYOUT OF THE DEVELOPMENT

- 4.5 The previous application was withdrawn principally in view of a recommendation of refusal from the Highway Authority because a vehicular access to the flats was being proposed from the A449 Chester Road North at a position that was considered to be too close to the traffic light controlled junction with the A456 Birmingham Road. The application now proposes all vehicular access from The Oaklands.
- 4.6 This new layout is unorthodox in that the flats will not have a frontage to the roadway that serves them. However, it is not a backland development situation because the flats will have a frontage on to the A456. The development is also set well back from The Oaklands and so the rear aspect of the flats will not adversely affect the character and appearance of this street. The proposal consequently will not contravene Policy H6 of the Local Plan and although it is not a layout that I would generally advocate it is considered to be acceptable in these particular circumstances.
- 4.7 The appearance of the flats has been improved since the previous application and the front elevation of the block now should fit suitably into the Chester Road street scene.
- 4.8 The pair of semi detached properties will face The Oaklands and the main part of the building will occupy a similar building line to the adjacent dwellings. The integral garages will project further forward but this position is still felt to be satisfactory and the buildings themselves would not harm the setting of the existing development.

THE EFFECT ON NEIGHBOURING PROPERTY

- 4.9 The separation distances between the proposed building and neighbouring properties is well within tolerable limits. One side facing first floor kitchen window is too close to a side boundary and could give rise to loss of privacy but I am satisfied that this could be satisfactorily dealt with by condition if the application were to be approved. The main effect on existing residents will be from the extra traffic associated with the development. However, the amount of traffic generated from only 8 dwellings is not considered to give rise to significant harm.

HIGHWAY SAFETY AND CAR PARKING

- 4.10 Now that the access is from The Oaklands rather than Chester Road north the Highway Authority is satisfied with the proposed development in terms of layout and highway safety.
- 4.11 The development will result in the loss of 14 car parking spaces. However there would still be 74 car parking spaces left. The gross floor space of the ground floor of the public house is 617 sq metres and the car parking requirement as identified in the Local Plan equates to 61 spaces for this area. The size of the car park remaining is therefore adequate to serve the public house.

SECTION 106 CONTRIBUTIONS

- 4.12 The application requires Education contribution of £10,514 and an Open Space contribution of £4,778 which the applicant has agreed to pay.

5.0 Conclusions and Recommendations

- 5.1 It is always disappointing when trees are removed and especially when some of them are protected by a Tree Preservation Order. However, the Council's Arboricultural Officer is of the view that these trees are in a poor condition and the ones flanking The Oaklands which make a positive contribution to the street scene have a life span of probably only another 10 years. I am advised that it would be better for these trees to be removed now and replaced with semi mature trees which will ensure that a line of trees continues on this side of the road well into the future.
- 5.2 As the application is acceptable in other respects I would recommend that **delegated** authority be given to **APPROVE** the application subject to:
- a) the signing of a **Section 106 Agreement** regarding contributions for the following:
- £10,514 towards Education
 - £4,778 towards Open Space, and
- b) the following conditions:
1. A6 (Full with no reserved matters)
 2. A11 (Approved plans)
 3. All facing materials to be approved prior to the commencement of works on site
 4. 1:10 sections and profiles of all windows and external doors to be approved prior to the commencement of works on site.
 5. Details of all fencing and railings to be approved prior to the commencement of works on site

08/1106/FULL

Agenda Item No.5

6. Retention of trees shown to be retained / no dig method in relation to Tree T5 and protective fencing to be erected for construction period.
7. Details of a tree planting scheme including new semi- mature trees fronting The Oaklands to be approved before any work on site commences.
8. Landscaping scheme to be submitted
9. Implementation of planting scheme
10. Severn Trent Water sustainable drainage condition
11. F5 (including hours of work during construction
12. Highway conditions
13. Provision of disabled car parking space

Reason for Approval

The application has been carefully considered in terms of the principle of allowing the development (Policy H.2); the design of the buildings and their appropriateness in the context of their setting (Policies D.1 and D.3); the impact on neighbouring property (Policy D.1) highway and car parking considerations (Policies TR.9 and TR.17) the effect on the trees on the site some of which are and the subject of a Tree Preservation Order (Policies D.3, D.4 and D.11) and the proposal is judged to be acceptable and compliant with all of the above mentioned policies in the Development Plan.